
UTAH LABOR COMMISSION

SAM RANTS,

Petitioner,

vs.

**PATTERSON-UTI DRILLING INC. and
LIBERTY INSURANCE COMPANY OF
AMERICA,**

Respondents.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 07-0464

Sam Rants asks the Utah Labor Commission to review Administrative Law Judge Lima's denial of his claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63G-4-301 and Utah Code Annotated § 34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. Rants' claims workers' compensation benefits against Patterson-UTI Drilling Inc. and its insurance carrier, Liberty Insurance Company of America, (referred to jointly as "UTI" hereafter) for injuries to his right elbow and wrist allegedly caused by a work accident at UTI on October 19, 2004. Judge Lima held an evidentiary hearing on Mr. Rants' claim and then referred the matter to an impartial panel of medical experts. Relying on the panel's report and other evidence of record, Judge Lima denied Mr. Rants' claim for benefits related to his right wrist injury

In requesting Commission review of Judge Lima's decision, Mr. Rants argues that Judge Lima denied his right to present evidence and was biased against him. Mr. Rants also assert "a lack of possible safety" at UTI.

FINDINGS OF FACT

The Commission adopts Judge Lima's findings of fact.

DISCUSSION AND CONCLUSION OF LAW

Mr. Rants raises three concerns with Judge Lima's decision. The Commission will deal with them separately.

Possible Safety Issue at UTI. Mr. Rants argues that because he was being consistently hurt

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while working for UTI, there was a “lack of possible safety by Patterson-UTI Drilling, on the working manner of the Rig” where Mr. Rants was employed. Mr. Rants raises this issue for the first time and does not present any specific evidence that there was a violation of safety procedures at UTI. Furthermore, the question of whether UTI follows appropriate safety procedures is unrelated to the question of whether Mr. Rants’ work is the medical cause of his wrist injury.

Presentation of Witnesses. Mr. Rants argues that Judge Lima refused to allow him to present evidence in support of his claim. This assertion apparently arises from Judge Lima’s exclusion of testimony from individuals Mr. Rants brought to the evidentiary hearing. Judge Lima declined to accept this testimony because Mr. Rants had not only failed to properly disclose the witnesses prior to the hearing, but had also failed to cooperate with UTI’s legitimate discovery efforts.

The Commission’s rule R602-2-1.I.3 requires that parties to proceedings before the Commission must, prior to hearing, file a disclosure form that lists all witnesses the parties intend to call as witnesses. The rule further provides that an ALJ may exclude the witnesses, exhibits, evidence, claims, or defenses of any party who fails to submit these disclosures. Mr. Rants has failed to provide any explanation for his failure to provide the required disclosures. He has also failed to indicate whether these witnesses could have provided any evidence relevant to the central question of Mr. Rants’ claim—whether a medical causal connection exists between his work at UTI and his wrist problems. Under these circumstances, the Commission concurs with Judge Lima’s determination that Mr. Rants’ witnesses should not be allowed to testify.

Bias of the ALJ. Mr. Rants argues that Judge Lima showed bias against him during these proceedings. Mr. Rants provides no support for this assertion. The Commission has reviewed the file and hearing record in this matter and finds no reason to believe Judge Lima was biased against Mr. Rants.

Conclusion. The Commission finds no support in the record for the three issues, discussed above, raised by Mr. Rants. Furthermore, none of those issues relate to the central issue of this case—the medical cause of Mr. Rants’ right-wrist problems. The Commission notes that an impartial medical panel examined Mr. Rants and reviewed the medical evidence, then concluded that Mr. Rants’ right wrist condition was not caused by the work accident but was “rather a progression over a multi-month period of time suggesting a condition more degenerative than traumatically related.” The Commission finds the panel’s report persuasive and therefore agrees with Judge Lima’s conclusion that the preponderance of the evidence demonstrates Mr. Rants’ right wrist condition was not caused by the October 19, 2004, work accident.

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ORDER

The Commission affirms Judge Lima's decision. It is so ordered.

Dated this 18th day of September, 2008.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.